

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Mitsuzou NOGAMI et al. Group Art Unit: 1745

Serial Number: 09/622,615 Examiner: Julian A. Mercado

Filed: August 18, 2000 Confirmation No.: 7364

For: NICKEL ELECTRODE FOR ALKALINE STORAGE BATTERY,

METHOD OF PRODUCING NICKEL ELECTRODE FOR

ALKALINE STORAGE BATTERY, AND ALKALINE STORAGE

BATTERY

Attorney Docket Number: 000774

Customer Number: 38834

Date: September 14, 2005

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the above-identified application is a Terminal Disclaimer.

Enclosed is our check in the amount of \$130.00 for the required fee.

In the event that any additional fees are due in connection with this paper, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANJELS & ADRIAN, LLP

Stephen G. Adrián Attorney for Applicants Registration No. 32,878

Telephone: (202) 822-1100 Facsimile: (202) 822-1111

SGA/SY/mt

Attachments: Fee - \$130.00

Terminal Disclaimer

PTO/SB/26 (08-03) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAMERATE OBVIATE A DOUBLE PATENTING

Docket Number (Optional)

000774 REJECTION OVER A PRIOR PATENT In re Application of: Mitsuzou NOGAMI et al. Application No.: 09/622,615 Filed: August 18, 2000 For: NICKEL ELECTRODE FOR ALKALINE STORAGE BATTERY, METHOD OF PRODUCING NICKEL ELECTRODE FOR ALKALINE STORAGE BATTERY, AND ALKALINE STORAGE BATTERY The owner*, Sanyo Electric Co., Ltd. , of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,548,210 . The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or agent of record. September 14, 2005 Date 09/15/2005 SZEWDIE1 00000027 09622615 Stephen G. Adrian, Reg. No. 32,878 130.00 OP 01 FC:1814 Typed or printed name 202-822-1100 Telephone Number Terminal disclaimer fee under 37 CFR 1.20(d) included. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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